

PATENT

Attorney Docket No. BSC-065CPC1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Gellman *et al.*
SERIAL NO.: Not yet assigned GROUP NO.: 3732
FILING DATE: Herewith EXAMINER: Not yet assigned
TITLE: Bone Anchor Placement Device With Recessed Anchor Mount

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

In accordance with the provisions of 37 C.F.R. §1.97, Applicants hereby make of record the references listed on the accompanying Form PTO-1449 for consideration by the Examiner in connection with the examination of the above-identified patent application. Pursuant to 37 C.F.R. §1.98 (d), the cited references are not enclosed. The references were previously cited and made of record in Parent Application Serial No. 09/738,378, filed December 15, 2000, which is a continuation-in-part of U.S. Patent Application Serial No. 09/309,816, filed on May 11, 1999, now U.S. Patent No. 6,241,736, which claims priority to U.S. Provisional Patent Application Serial Nos. 60/085,113, filed May 12, 1998, and 60/125,207, filed March 18, 1999, and a continuation-in-part of U.S. Patent Application Serial No. 09/238,654, filed on January 26, 1999, now U.S. Patent No. 6,264,676, which claims priority to U.S. Provisional Patent Application Serial No. 60/072,641, filed January 27, 1998.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☒ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☐ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and

- ☐ the requisite Statement is below, **OR**
- ☐ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or
- ☐ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**
- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

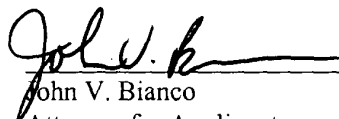
It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

STATEMENT

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

- ☐ 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- ☐ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

Respectfully submitted,



John V. Bianco
Attorney for Applicants
Testa, Hurwitz, & Thibault, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110

Date: September 19, 2003
Reg. No. 36,748

Tel. No.: (617) 248-7870
Fax No.: (617) 248-7100

FORM PTO – 1449				ATTORNEY DOCKET NO.: BSC-065CPC1			
INFORMATION DISCLOSURE STATEMENT				APPLICANT(S): Gellman et al.			
				SERIAL NO.: Not yet assigned			
				FILING DATE: Herewith			
				GROUP: 3732			
U.S. PATENT DOCUMENTS							
EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A1	1,030,530	06/25/12	Palmer	600	220	01/17/11
	A2	1,179,910	04/18/16	Greenfield	606	176	04/15/14
	A3	1,417,669	05/30/22	Langworthy	606	176	03/05/21
	A4	2,200,120	05/07/40	Nauth	606	97	04/30/38
	A5	2,655,921	10/20/53	Haboush	606	84	07/09/51
	A6	2,707,783	05/10/55	Sullivan	72	409.05	09/20/50
	A7	3,388,847	06/18/68	Kasulin et al.	227	19	08/26/65
	A8	3,593,903	07/20/71	Astafiev et al.	227	96	07/12/68
	A9	3,892,232	07/01/75	Neufeld	606	80	09/24/73
	A10	3,953,896	05/04/76	Treace	623	13.12	09/06/74
	A11	3,971,271	07/27/76	Wagner, Jr. et al.	81	57.29	08/25/75
	A12	4,159,716	07/03/79	Borchers	606	96	10/17/77
	A13	4,204,623	05/27/80	Green	227	19	07/17/78
	A14	4,422,567	12/27/83	Haynes	227	19	11/17/81
	A15	4,483,562	11/20/84	Schoolman	294	19 R	10/16/81
	A16	4,527,726	07/09/85	Assell et al.	227	19	07/18/83
	A17	4,537,185	08/27/85	Stednitz	606	73	06/10/83
	A18	4,576,167	03/18/86	Noiles	227	179.1	09/03/81
	A19	4,606,343	08/19/86	Conta et al.	227	178.1	08/18/80
	A20	4,632,100	12/30/86	Somers et al.	606	73	08/29/85
	A21	4,632,101	12/30/86	Freedland	606	68	01/31/85
	A22	4,635,634	01/13/87	Santos	606	142	07/12/85
	A23	4,664,305	05/12/87	Blake, III et al.	227	19	01/14/85
EXAMINER				DATE CONSIDERED			

FORM PTO – 1449				ATTORNEY DOCKET NO.: BSC-065CPC1			
INFORMATION DISCLOSURE STATEMENT				APPLICANT(S): Gellman et al.			
				SERIAL NO.: Not yet assigned			
				FILING DATE: Herewith			
				GROUP: 3732			
U.S. PATENT DOCUMENTS							
EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A24	4,738,255	04/19/88	Goble et al.	606	86	04/07/86
	A25	4,739,751	04/26/88	Sapega et al.	606	96	10/03/86
	A26	4,784,137	11/15/88	Kulik et al.	227	177.1	11/16/87
	A27	4,856,385	08/15/89	Ogilvie et al.	81	57.39	03/18/88
	A28	4,870,957	10/03/89	Goble et al.	606	73	12/27/88
	A29	4,940,467	07/10/90	Tronzo	606	66	11/30/89
	A30	5,002,550	03/26/91	Li	606	139	02/07/90
	A31	5,019,078	05/28/91	Perren et al.	606	61	11/17/89
	A32	5,037,422	08/06/91	Hayhurst et al.	606	72	07/02/90
	A33	5,037,426	08/06/91	Goble et al.	606	96	09/19/88
	A34	5,040,715	08/20/91	Green et al.	227	176.1	05/26/89
	A35	5,052,607	10/01/91	Dutton	227	107	03/11/91
	A36	5,057,112	10/15/91	Sherman et al.	606	79	01/04/90
	A37	5,061,181	10/29/91	Niznick	433	174	08/11/89
	A38	5,064,434	11/12/91	Haber	623	23.67	01/18/91
	A39	5,067,956	11/26/91	Buford, III et al.	606	73	04/24/90
	A40	5,084,050	01/28/92	Draenert	606	77	10/02/89
	A41	5,100,417	03/31/92	Cerier et al.	606	139	07/13/90
	A42	5,102,421	04/07/92	Anspach, Jr.	606	232	06/14/90
	A43	5,116,338	05/26/92	Poggie et al.	606	90	01/24/91
	A44	5,141,520	08/25/92	Goble et al.	606	232	10/29/91
	A45	5,149,329	09/22/92	Richardson	604	272	12/21/90
	A46	5,180,382	01/19/93	Frigg et al.	606	65	12/17/91
EXAMINER				DATE CONSIDERED			

FORM PTO – 1449				ATTORNEY DOCKET NO.: BSC-065CPC1			
INFORMATION DISCLOSURE STATEMENT				APPLICANT(S): Gellman et al.			
				SERIAL NO.: Not yet assigned			
				FILING DATE: Herewith			
				GROUP: 3732			
U.S. PATENT DOCUMENTS							
EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A47	5,190,543	03/02/93	Schlapfer	606	61	11/25/91
	A48	5,203,784	04/20/93	Ross et al.	606	104	09/03/91
	A49	5,217,462	06/08/93	Asnis et al.	606	73	03/05/91
	A50	5,224,946	07/06/93	Hayhurst et al.	606	72	04/05/91
	A51	5,258,016	11/02/93	DiPoto et al.	606	232	02/14/92
	A52	5,268,001	12/07/93	Nicholson et al.	606	72	09/25/91
	A53	5,289,963	03/01/94	McGarry et al.	227	175.1	10/18/91
	A54	5,328,077	07/12/94	Lou	227	175.1	11/19/92
	A55	5,370,662	12/06/94	Stone et al.	606	232	06/23/93
	A56	5,381,943	01/17/95	Allen et al.	227	177.1	10/09/92
	A57	5,411,506	05/02/95	Goble et al.	606	104	04/11/94
	A58	5,443,482	08/22/95	Stone et al.	606	232	12/05/94
	A59	5,464,407	11/07/95	McGuire	606	86	11/16/94
	A60	5,470,334	11/28/95	Ross et al.	606	72	06/22/92
	A61	5,520,696	05/28/96	Wenstrom, Jr.	606	104	09/27/94
	A62	5,520,700	05/28/96	Beyar et al.	606	139	11/10/93
	A63	5,522,843	06/04/96	Zang	606	232	02/23/94
	A64	5,544,664	08/13/96	Benderev et al.	128	898	05/16/94
	A65	5,573,548	11/12/96	Nazre et al.	606	232	06/09/94
	A66	5,591,207	01/07/97	Coleman	606	232	03/30/95
	A67	5,607,432	03/04/97	Fucci	606	104	01/23/95
	A68	5,611,515	03/18/97	Benderev et al.	128	898	04/05/93
	A69	5,674,247	10/07/97	Sohn	606	219	12/14/95
EXAMINER				DATE CONSIDERED			

FORM PTO – 1449 INFORMATION DISCLOSURE STATEMENT				ATTORNEY DOCKET NO.: BSC-065CPC1 APPLICANT(S): Gellman et al. SERIAL NO.: Not yet assigned FILING DATE: Herewith GROUP: 3732			
U.S. PATENT DOCUMENTS							
EXAM. INIT.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
	A70	5,683,418	11/04/97	Luscombe et al.	606	232	04/29/94
	A71	5,690,677	11/25/97	Schmieding et al.	606	232	02/21/96
	A72	5,697,931	12/16/97	Thompson	606	72	06/14/95
	A73	5,702,397	12/30/97	Goble et al.	606	72	02/20/96
	A74	5,720,766	02/24/98	Zang et al.	606	232	10/21/96
	A75	5,725,529	03/10/98	Nicholson et al.	606	72	12/06/93
	A76	5,725,541	03/10/98	Anspach, III et al.	606	151	02/27/97
	A77	5,735,849	04/07/98	Baden et al.	606	51	11/07/96
	A78	5,741,268	04/21/98	Schutz	606	104	03/15/96
	A79	5,755,726	05/26/98	Pratt et al.	606	143	08/01/96
	A80	5,782,862	07/21/98	Bonutti	606	232	07/01/96
	A81	5,807,403	09/15/98	Beyar et al.	606	232	03/26/96
	A82	5,824,011	10/20/98	Stone et al.	606	232	06/18/96
	A83	5,842,478	12/01/98	Benderev et al.	128	898	08/27/96
	A84	5,851,219	12/22/98	Goble et al.	606	232	10/30/97
	A85	5,931,844	08/03/99	Thompson et al.	606	144	03/31/98
	A86	5,948,001	09/07/99	Larsen	606	232	10/23/97
	A87	5,993,459	11/30/99	Larsen et al.	606	104	10/22/98
	A88	6,039,686	03/21/00	Kovac	600	30	07/08/98
	A89	6,139,565	10/31/00	Stone et al.	606	232	10/19/98
	A90	6,273,893	08/14/01	McAllen et al.	606	104	11/10/99
	A91	6,402,759	06/11/02	Strong et al.	606	104	12/10/99
EXAMINER				DATE CONSIDERED			

FORM PTO – 1449					ATTORNEY DOCKET NO.: BSC-065CPC1				
INFORMATION DISCLOSURE STATEMENT					APPLICANT(S): Gellman et al.				
					SERIAL NO.: Not yet assigned				
					FILING DATE: Herewith				
					GROUP: 3732				
FOREIGN PATENT DOCUMENTS									
EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRAC T ONLY	ENGLISH LANG Y/N
	B1	0 241 240	10/14/87	EPO					Y
	B2	0 558 993	09/08/93	EPO					Y
	B3	0 599 772	06/01/94	EPO					Y
	B4	0 686 373	06/09/95	EPO					Y
	B5	1,044,633	10/5/66	GB					Y
	B6	2 718 012	10/06/95	FR					(Abstract)
	B7	2,268,690	01/18/94	GB					Y
	B8	89/10096	11/02/89	WO					Y
	B9	92/16152	10/01/92	PCT					
	B10	94 04080	03/30/94						
	B11	95 11543	09/22/95	FR				English	N
	B12	95/15726	06/15/95	WO					Y
	B13	95/16399	06/22/95	WO					Y
	B14	96/06567	03/07/96	WO					Y
	B15	96/28100	09/19/96	WO					Y
	B16	97/13465	04/17/97	WO					Y
	B17	97/30638	08/28/97	WO					Y
	B18	98/12971	04/02/98	WO					Y
	B19	WO 96/25887	08/29/96	PCT					Y
	B20	WO 97/06731	02/27/97	PCT					Y
	B21	WO 97/30638	08/28/97	PCT					Y
	B22	WO 97/41792	11/13/97	PCT					Y
EXAMINER					DATE CONSIDERED				

FORM PTO – 1449		ATTORNEY DOCKET NO.: BSC-065CPC1	
INFORMATION DISCLOSURE STATEMENT		APPLICANT(S): Gellman et al.	
		SERIAL NO.: Not yet assigned	
		FILING DATE: Herewith	
		GROUP: 3732	
OTHER ART, JOURNAL ARTICLES, ETC.			
EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)		
	C1	Benderev, "A modified percutaneous outpatient bladder neck suspension system." J. Urology 152: 2316-2320 (1994).	
	C2	Hurson et al., "The use of spiked plastic washers in the repair of avulsed ligaments." Acta Orthop. Scand. 52: 23-26 (1981).	
	C3	Influence Inc.: Products: Incontinence (http://www.influencemedical.com/products) 5/23/00	
	C4	International Search Report for PCT/US99/10275	
	C5	Mascio, "Therapy of urinary stress incontinence in women: using Mitek® GII Anchors, Mitek® Brochure, 1993.	
	C6	O'Carroll et al., "A technique of medial ligament repair of the knee with cancellous screws and spiked washers." Injury 15: 99-104 (1983).	
	C7	Parra et al. "Experience with a simplified technique for the treatment of female stress urinary incontinence." British J. Urology 66: 615-617 (1990).	
	C8	Pederson et al., "Mitek® Anchor System: A new technique for Tenodesis and Ligamentous repair of the foot and ankle." J. Foot Surgery 30: 48-51 (1991).	
	C9	Product Literature on ANCHORLOK™, Wright Medical Technology, Inc. 1995.	
	C10	Product Literature on Influence In-Fast Bone Screw System, April 24, 1998 from website: www.influencemedical.com/products/products.html .	
	C11	Richmond et al., "Modification of the Bankart reconstruction with a suture anchor: Report of a new technique." Am. J. Sports Med. 19: 343-346 (1991).	
	C12	Wolf et al., "Arthroscopic Bankart repair using suture anchors, operative techniques in orthopaedics." 1(2): 187-191 (1991).	
EXAMINER		DATE CONSIDERED	

2684336